



**SPECIAL MEETING OF THE COMMON COUNCIL
MIDDLETOWN, CONNECTICUT
October 14, 2010**

**TRAFFIC AUTHORITY APPEAL HEARING
ON-SITE PARKING ON LONG HILL ROAD**

Special Meeting	A Traffic Appeal Hearing regarding on-site parking change to Long Hill Road, a special meeting of the Common Council of the City of Middletown was held in the Media Room of Moody School, on Thursday, October 14, 2010 at 6 p.m.
Present	Deputy Mayor Joseph E. Bibisi, Council Members Thomas J. Serra, Vincent J. Loffredo, Philip J. Pessina, Gerald E. Daley, Robert P. Santangelo, Hope P. Kasper, Grady L. Faulkner, Jr., Deborah A. Kleckowski, and David Bauer, Corporation Counsel William Howard Sergeant-at-Arms Acting Chief of Police Patrick McMahon, and Council Clerk Marie O. Norwood.
Absent	Mayor Sebastian N. Giuliano Council Members Ronald P. Klattenberg and James B. Streeto.
Also Present	Aggrieved Party Louise Astin, Kathleen Dion, William Arrigoni, Acting City Attorney Timothy Lynch, Sergeant Craig Elkin, retired, and four members of the public.
Meeting Called to Order	Deputy Mayor Bibisi called the meeting to order at 6:06 p.m. and leads the public in the Pledge of Allegiance.
Call of Meeting Read	<p>The Call of Meeting was read and accepted. Deputy Mayor Bibisi declares the Call a Legal Call and the Meeting a Legal Meeting.</p> <p>Councilman Bauer states he rises that he must recuse himself from the business tonight; my sister is at 726 Long Hill Road and is an aggrieved member. He advocated on behalf of the aggrieved with the Mayor and Police and he was the FOIA requester for the aggrieved parties and it shows a preponderance of advocacy for the appeal.</p> <p>Councilman Serra states in that vein, the Public Safety Committee meeting vetted this a number of months ago and people, the commission, showed their position on this and the possible resolution on this and he would like a ruling from Corporation Counsel whether or not we should recuse ourselves from this.</p> <p>Corporation Counsel Howard states you bring up an issue of predetermination and if it were carried for an appeal to the Superior Court and any issue that can be raised is fairness of the proceeding and it could be raised if persons who heard the matter in a legislative manner and issued an opinion how the matter came out, but should be looked at as fair and if you can influence the matter, it would be sounder, legally, if you did recuse themselves. Councilman Serra states he is asking this because Public Safety Committee agreed it was a safety issue. Corporation Counsel Howard states it is determination prior to that and your experience may be that you are unduly influencing the outcome of the matter. Councilman Pessina asks with recusing, that leaves the Council with four less Council members; can the decision be made and it would be 2/3 is of majority present.</p>
Nomination for Chair	Councilman Pessina nominates Councilman Daley as Chair.
Point of Order	<p>Councilman Daley asks Corporation Counsel if the members recuse themselves, does the Council lose the quorum. Attorney Howard responds so long as the quorum was made at the beginning, it is okay.</p> <p>Councilman Serra, Loffredo, and Santangelo recuse themselves from these proceedings.</p> <p>Councilman Pessina and Councilwoman Kleckowski state the matter was determined before they sat on Public Safety so they are not going to recuse themselves.</p>
Nomination for Chair	<p>Councilman Pessina nominates Councilman Daley as the chairman; Councilman Faulkner seconds the motion.</p> <p>Acting Chair Bibisi asks he repeat his request. Councilman Pessina states he nominates Councilman Daley to be the presiding officer. The Acting Chair calls for the vote and it is unanimous to approve with six aye votes. The Acting Chair states Councilman Daley is the Chair for the Appeal Hearing.</p>
Information on Hearing	Corporation Counsel Howard states this is an administrative appeal and part is whatever evidence is presented and there should be copies for the record and copied and marked. And the first is the formal complaint should be filed. Council

Clerk Norwood passes the letter requesting the Appeal to Corporation Counsel who states it is a letter from Louise C. Astin which is the document that began the proceeding and he will mark it as Exhibit 1.

Chair Daley states the next order of business on the agenda is that Ms Astin and those she filed for have a specific interest and he asks if they should hear a presentation or should we make a motion. Corporation Counsel states we can get at that; Councilman Bauer states he is an advocate for the aggrieved. Chair Daley responds you are not an aggrieved party. Councilman Faulkner states he would like to know the case particulars.

Aggrieved Determination

Chair Daley asks Ms Astin to step forward. Corporation Counsel asks where she lives. Ms Astin states 778 Long Hill Road. She is given the oath by Attorney Howard and she responds I do. Corporation Counsel Howard asks what her address is, under oath. Ms Astin responds 778 Long Hill Road. Corporation Counsel Howard states that she lives within the area and asks does it limit your ability to park on the road. Ms Astin responds it alters property values and lifestyles because family can't park and come and visit at holidays; there is a safety issue. She has a packet for the Council. Attorney Howard advises the committee that aggrievement exists when someone can show the subject matter affects them in a direct way that is peculiar to them and that is how you would judge if they are aggrieved. Chair Daley states to make the determination we would have to conclude that Ms Astin and others are aggrieved unique to them as opposed to the general public and if we are of the opinion where comparable parking restrictions are applied across town, then it would not be aggrieved. Corporation Counsel Howard states how does this rule affect these people. If there were a convenience store in that location and the owner came in and stated it interfered with the operation of the business then they would be aggrieved. If someone came in from another part of town and said it bothers us, then they would not be aggrieved.

Motion

Chair Daley calls for a motion to make a determination that Ms Astin provided information that she is an aggrieved party. Councilman Pessina so moves and is seconded by Councilman Bibisi. The Chair calls for the vote and it is unanimous with six aye votes. The Chair states the determination was made that Ms Astin is the aggrieved party.

Appellant Presentation Chair Daley states Item 4 is the appeal to the Traffic Authority. Ms Astin states she has been ill and she asked David Bauer to make the opening remarks. She has copies for the Council. Chair Daley asks for a ruling from the Corporation Counsel if it is appropriate for someone not an aggrieved party to make the presentation. Attorney Howard states in court you would have a problem, but the nature of this and so long as Mr. Bauer is performing as assistant to read the evidence and not make it his, then it would be acceptable.

Councilman Pessina asks if there will be other witnesses. Mr. Bauer states there will be four people speaking; would you like all four people to get up and take the oath. Chair Daley asks if you have to swear Mr. Bauer in. Attorney Howard states we might want to and the suggestion is to be a mass. Kathy Dion and Bill Arrigoni are witnesses for the aggrieved. Attorney Lynch asks if Attorney Howard would like to swear in the department members as well.

Corporation Counsel asks each individual to give their name and place of residence before administering the Oath. David Bauer, 55 Dobson Circle; Bill Arrigoni, 799A Long Hill road; Kathleen Dion, 754 Long Hill Road; Craig Elkin, 222 Main Street. Attorney Howard administers the oath to this group.

Ms Astin hands out information to the Council and Attorney Howard asks for copies of the information for submission for the record. He states he would like to identify for the record as Exhibit 2, a map of Wesleyan Hills and appended to that is seven pages of e-mails and a list of the people on Long Hill Road.

Mr. Bauer, as spokesperson for Louise Astin, states what we will try to prove with the witnesses and talk about the planned community and on-street parking was part of the agreement with Planning and Zoning approval and we will testify that we feel that the traffic action was selected enforcement. There are many streets as Long Hill Road with the same dimensions with a worse history and they did not have these imposed traffic guidelines.

Mr. Bauer states the first person to speak is Kathy Dion. Ms Dion states Arlene Cardosa attended the Wesleyan Hills Council meeting on November 3, 2008 which was to get the support of the Council to reverse the no parking on Long Hill Road. The turn out was well attended and discussions were going on and an elderly gentleman spoke. He clearly stated he was on Planning and Zoning in Middletown when the Wesleyan condos were being built and the intent for Wesleyan Hills was to be a neighborhood and not a thru street but a link to neighborhoods. They were aware of the width of Long Hill Road. Middletown approved the development plans fully aware of the narrow road and were signed off by Middletown Police and Fire Departments. The Wesleyan board and council support returning parking to Long Hill Road. It is a planned community with over 600 families and a tax assessment of over \$63 million which is even

higher today. Please give us our street back.

Mr. Bauer states Louise Astin will present the bulk of the evidence in the handouts. Ms Astin states she will read to keep it clear.

Councilman Pessina asks if Ms Astin would like to sit. She states she will stand, but a chair is brought over for her to sit. She states she Board of Directors and Council support their efforts to restore the parking on Long Hill Road. When she first began this, the Mayor suggested a petition of 50 or more signatures in order to make a difference. In three days they had 118 signatures and there is a petition in the documents. Also there is copy showing names and addresses. The entire area highlighted (on the map passed out and marked as exhibit 2) is all Long Hill Road, but only the yellow portion is where the parking limits is in effect. As soon as you get past the condominiums where the road narrows, they are not affected. The City's actions have handicapped us. As you heard from Mr. Bauer and Ms Dion, she is speaking on the FOI request made to the Mayor and there is a copy in your packet. There were no accidents here or they are within the private parking areas. In a memo dated February 3, by the Middletown Police Officer Amy Pear, she stated there were no documents to substantiate the actions taken. You have a copy. There is no evidence in the original complaint that led to this and there are no complaints about the road. There is an absence of a traffic study on this part of the road in the last three years and there are no accident reports on this section of the road. There were tickets issued on other parts of the road and they were for parking for limited area, improper position or against traffic. The ticketing officer didn't do it as a result of complaints. The Police Department referenced the PRD and no one can locate it. There is no supporting documentation for the time line provided and because FOI doesn't show that there was a complaint and we must believe the actions taken by the Traffic Authority are unfounded. This decision on Ridgely 1, 2, and 3, property values have diminished, there is improper parking within area, school can't use it as an overflow, and it reduces family visits. Cars are now driving at excessive speeds and guidelines have not been uniformly imposed on Long Hill Road.

Mr. Bauer states our final witness is Bill Arrigoni. Thanks for opportunity to speak. He resides at 799A and has been a resident for 40 years. In 1970, Hill Development requested that they market the condominiums and he became the marketing and sales person for the project. He lived at 2 Orange Road. In 1986, he moved to his present addresses. In 1976, he turned control over to Wesleyan Hills and his former employer was the manager and he was appointed property manager for the Association and reported to residents and the Board of Directors and Council and Architectural Committee. He was liaison with Hill Development and did that until 1986. In that period of time, he worked with Chester Tibbits of Hill Development and J. Rausch and when Chester retired in 1986, he worked with Joe Lombardo and during those years, he learned the philosophy of the community. Emile Hansen the conceptual designer wanted to keep it a neighborhood. We had a concept on less than 2 acre lots and it worked and it thrived and is thriving today. What the main complaint is when this came about 21-1/2 years ago, we lived for 35 years without problems and tickets and traffic. In 1984 through 1986, the Long Hill condos were developed on the west side and he sat with Hill Development during both those projects. Part of his job and responsibility was as marketing agent so he has a lot of knowledge on how it came about and in some cases with Planning and Zoning. Two and a half years ago for some reason, we started getting ticketed along that road. We met on January 10, 2008 with the Mayor and at the meeting we presented our case to the Mayor and he said let me see if the Police will provide a weekly report where they ticketed to see if we were being selected out for ticketing. We never received that report and if you go through the City of Middletown there are many streets with a similar size and width and they are not ticketed. We never received that report. We wonder why we were ticketed and why it came about and only 2 of a mile is being ticketed. If someone could answer that question, why isn't it being done on Prout Hill, Afton Terrace or Braeburn. Why is it just in that area. He states they are looking for equity. We want the neighborhood back.

Councilwoman Kasper states Long Hill Road and the yellow area (on the map) is where no parking is allowed. Are other areas narrower. Mr. Arrigoni replies yes; if you leave the southerly end going to Brush Hill Road, that is narrow and people park there and they are not ticketed and there are no yellow curbs along there. Why is it just the 2 mile that there are yellow curbs. If he can remember previous meetings, it was following the statutes of the State of Connecticut, it is guidelines. They are not law. The argument from Council members is we are following what the State of Connecticut wants us to do; they are just guidelines.

Chair Daley thanks Mr. Arrigoni. Mr. Bauer states this concludes our presentation and he reminds people the original appeal was made over half a year ago and we have been patient letting the Council deal with this process. We are patient and he hopes the Council's consideration where he can consult with other departments and you don't rely on testimony tonight. He hopes you contact Public Works and look at roads that fall under the same dimensions and you can see how selective that this was enforced. People at Long Hill are for safety and they want their neighborhood to be fairly considered.

Mr. Arrigoni asks to come back. Chair Daley states without objections from the Council; there are none. Mr. Arrigoni states the Council asked them to work with Public Works to come in and correct the problem. They did and what they decided on was a cut in the pavement and to add 24 spaces on the westerly side and it would move the sidewalk in almost to the easterly side of the condominiums diminishing the value of those condos greatly because it moved it so close to their decks. It would cost \$65,000. The other comment is more parking in the existing circles. To do that, we have to turn our green spaces into parking lots and diminishing the values of the condos and that was a decision that was not acceptable to the community. We appreciated the work Public Works put into the solution, but we don't have to spend \$65,000 to correct an inequitable problem that is not enforced throughout the City.

Councilman Faulkner asks about the discussion of the value of the property if the Fire engines can't get to you. Mr. Arrigoni states there was no discussion on that and there have been many incidents with fire and ambulance getting through. If you talk about Wesleyan, look at the other areas, in the red, blue areas. Fire trucks will have difficulty getting by. This happens in other streets as well. This has not been a problem with emergencies on Long Hill Road. They go by all the time, usually for medical reasons.

Traffic Authority Presentation Chair Daley states we are at the point, item 5, where the Chief or his designee will present for the Traffic Authority. Craig Elkin, retired Sergeant in the Traffic Bureau is the Chief's designee. He will go over his qualifications because he was involved with this from the beginning. He lists his experience and credentials (Resume is Exhibit 3) He has been a traffic officer for over 20 years; and for over 15 years he had done reconstruction on accidents; conducted traffic studies and counts. He also had conducted traffic signal and signage studies for the City based on federal guidelines, made comments for Planning and Zoning proposals, DOT seminars on pedestrian safety, completed DOT courses on traffic control on residential streets, is a graduate UCONN transportation program. He states what are the roadway requirements. He states the DOT manual and guidelines state travel lanes are between 9 and 12 feet in width for plow trucks, fire trucks, and SUVs. We don't approve anything less than 10 feet. The width of a parking stall is 8 feet. Long Hill Road is a travel way and it is 20 feet and if you have parking it is 8 feet and you need a road 29 feet wide not to interfere with traffic. This section runs about 3/10 of a mile and it is straight and varies between 21 and 24 feet. Two cars can't pass each other. The issue came up because the district car was out there and when he was driving by, the cars were parked bumper to bumper and he couldn't get by and there was no place for him to pull over. You come head to head and someone has to back up. So he ticketed. His thoughts were it wasn't fair to let the tickets stand because there was no warning; nothing was posted and an officer asked if they could look at it and have the west side posted as no parking. They looked at the history and various other aspects. We looked at the physical aspect and the road is too narrow. There is no significant accident history and we can't guarantee it for the next 25 years. Site lines when vehicles parked on the street, site lines were obstructed. We looked at traffic volume of 200 units and two cars each and it is very congested. It is not just cars but trucks with trailers. There is no safe haven if caught in that situation. The members were not pleased with one side parking. Chair Daley asks what is the width of the fire truck. Sgt. Elkin replies 12 to 13 feet, but they have outriggers.

Sgt. Elkin was asked if they could make it one way. They decided it was not feasible. They are not in rural setting and it would significantly inconvenience other residents in that area. The decision came because they thought it was unsafe and before posting they asked the City Attorney Solecki, if we know a situation is unsafe and we don't do anything about it, is the City liable. City Attorney Solecki responded yes, if something could be done to avoid the accident. He states why just that area; the reason is the other area is not a problem. If someone is parked there, you can wait until the car coming at you goes by and then move. If we posted that and if the volume of cars moved up the street, we would have posted there as well. Why here and not other areas of similar design. We have done this in other areas and these are done on case by case basis. You might have a low volume road where someone can wait and then go. You can have a narrow road, but you also have breaks with driveways and hydrants. Here is a different situation and they have posted it like Summer Hill road and Rose Circle, Stoneycress Drive, Westlake Drive. Pine Street, Training Hill Road, Plymouth Street, and Wetmore Place. If vehicles can maneuver, then we don't have to add signage, but with situations with no alternative, it is a liability to us when we become aware of it. The City Attorney said it was a liability. Sgt. Elkin states they have a letter from Martin Belair and Company and directed to George Lang and he reads it in the record (Exhibit 5). His company widened the road from 16 to 24 feet and it extends from the barn south 1,500 feet to accommodate the vehicular traffic and no parking. The roadway would not accommodate parking. For some reason the east side has only been posted no parking and the traffic lane is less than 16 feet and there is potential for a serious accident to occur.

Chair Daley asks the date of the letter. Sgt. Elkin responds August 8, 1989. Chair Daley asks if there was a response. Sgt. Elkin states no. He will include

the Police Department's Parking Issue report (Exhibit 4) that they did on Long Hill Road. Lastly the City offered to give them parking, but the residents for reasons stated, didn't want it. He doesn't know about property values or aesthetics.

Chair Daley asks how do you explain the parking situation was allowed for 35 years; if this is such a hazardous situation how was it not noticed for 35 years and when a concern is brought to the Police Department in 1989, no action was taken. Sgt. Elkin states he can't say why nothing was done in 1989 and when ticketing started is when they looked into it. He agrees no accidents have occurred, but you can't guarantee it.

Councilman Pessina asks how prevalent bumper to bumper was. Sgt. Elkin states during the overnight. Councilman Pessina states they were parked overnight. Sgt. Elkin states during the day is clear. Councilman Pessina asks weekends. Sgt. Elkin states he doesn't know. Councilman Pessina states this section has no breaks. Sgt. Elkin states there are entrances to the driveways, but not enough. They are far enough between that you could not pull in there. Councilman Pessina states your testimony is overnight parking; how would you rate that traffic on the road overnight. Sgt. Elkin states light. Councilman Pessina states City Attorney Solecki, it was brought to traffic division because an officer was giving tickets and you went to check it and you assessed it had a problem. Sgt. Elkin responds yes. Councilman Pessina states if the City notices a problem and didn't do anything, we would be liable; St. Elkin states yes. Councilman Pessina asks does not knowing limit the liability. Sgt. Elkin responds yes. He states if you are aware of the problem and don't fix it and something happens, then the City will have some kind of liability.

Councilwoman Kasper states you said the parking was overnight and congested; have you thought about certain time frames and not all no parking. Sgt. Elkin states parking during the day is not an issue. Chair Daley asks if overnight parking is limited. What Councilwoman Kasper was getting at if there was no parking for certain hours, why not ban parking overnight. Sgt. Elkin states that is the parking they might generally want. If there is a big party during the day, what happens. Councilman Daley doesn't want to be argumentative, but you have tag sales and you can drive down East St. and cars are parked all over the place and two cars can't pass and that is okay.

Mr. Bauer states we never got a copy of the letter for our FOI request and he asks if the aggrieved party may see it. Acting Chief McMahon asks that there be no more outbursts during Sgt. Elkin's testimony and asks that the aggrieved party keep comments to themselves.

Chair Daley states to the aggrieved party, it is not your turn. Sgt. Elkin states you have me in a difficult position by asking me what is more liable than not and it is a dangerous position when parking there is good or bad.

Councilwoman Kasper asks if the neighborhood ever complained; Sgt. Elkin responds no. Chair Daley asks where it came from. Sgt. Elkin states the district officer. Councilman Pessina states the officer tickets because he sees a problem. You respond, the City Attorney is consulted and was there a thought to sit with the Wesleyan Association to come up with a solution that would not negatively affect them. This community has been like this a long time. Sgt. Elkin states yes; the Chief went to a meeting to explain our decision. They were offered a resolution which and they didn't want it. A one way street wasn't viable; cutting the curb out wasn't viable and they had an opportunity for 20 parking spaces and they refused that. Councilman Pessina states it seems if the Department would meet with the community to come up with solutions, was their ten cars, 15, or six. Sgt. Elkin states the street was filled in that section. Councilman Pessina asks were they given the opportunity for the community to address the situation. Sgt. Elkin states we talked about if they were having parties to use the parking at the barn. There was no resolution to be had. Councilman Pessina states the width isn't approved less than 10 feet per travel lane. He states it goes from 21 to 24 feet in certain sections. Sgt. Elkin states he doesn't understand the question. Chair Daley states with parking 8 feet, it brings it down to 13 or 15 feet wide. Councilman Pessina asks when did we start to pay attention to the width of the road. Sgt. Elkin states when Town Colony Drive came into being. Councilman Pessina states the 1970s. Chair Daley states direct questions to the witness. Councilman Pessina states Council Members Klattenberg and Bauer at a Public Works Commission made a motion to consider grandfathering this section of roadway because it was well established and no accident history and only over the last couple of years, people parked overnight on a non-used section of roadway. I am asking you why that didn't happen. Sgt. Elkin states we can't grandfather in a condition that is a liability to the City.

Councilwoman Kleckowski states the overnight cars are from the residents and they have more than one or two vehicles. Sgt. Elkin states you can make that assumption.

Chair Daley states his indication from Mr. Arrigoni's body language, we will hear some rebuttal from the residents on that situation. Councilwoman Kleckowski

states since this has happened, the cars are no longer there. Sgt. Elkin responds they are not.

Councilman Faulkner asks about the alternative proposed, was it City property or private. Sgt. Elkin states City property. Councilman Daley states the right of way. Councilman Faulkner asks to address remarks to the attorney.

Chair Daley points out we are well past the 7 p.m. start time and is that a problem and do we need to adjourn this. Corporation Counsel Howard states it is your judgment. Chair Daley replies unless there is an objection, we will continue this hearing and then continue the community hearing.

Acting City Attorney Lynch offers the information and the letter as exhibits; Sgt. Elkin's qualifications, the Long Hill Road Parking Report and the Martin Belair letter written in 1989. Corporation Counsel Howard states exhibit #3 exhibit is qualifications of Sgt. C. Elkin, exhibit #4 is the Long Hill Road Parking Issue Report prepared by Sgt. Elkin, dated November 19, 2008 and exhibit #5 is a letter dated August 8, 1989 Martin Belair Company. Chair Daley states is there a letter from the officer who filed the initial complaint. Sgt. Elkin states it was verbal.

Councilwoman Kleckowski asks were the cars intermittently there or all the time, every night. Sgt. Elkin states the nights we checked. Chair Daley states how many. Sgt. Elkin states 3, sporadic. Chair Daley asks if it was holiday times. Sgt. Elkin states it was not during holiday times.

Appellant Cross Examines

Chair Daley, seeing no further testimony or questions from the Council, states the appellant has the opportunity to cross examine Mr. Elkin.

Ms Astin asks how long you were with the Traffic Authority. Sgt. Elkin replies 22 years. Ms Astin asks who you reported to for Long Hill Road. Sgt. Elkin states he doesn't remember. Ms Astin states about the State rules; Sgt. Elkin responds guidelines. Ms Astin states bumper to bumper, did you note that the curbs are sloped in so they could pull off. Sgt. Elkin responds he didn't notice. Ms Astin states they are sloped for that purpose to move out of the way. She asks about the yellow line for the site lines. Sgt. Elkin states he didn't see it. Ms Astin states if they were parked there and you didn't see them, they should be ticketed. Ms Astin states they were asked to be grandfathered and they were asked if legal signs posted at own risk limits the liability. Sgt. Elkin asks if it is a question. Attorney Lynch states he would like Sgt. Elkin to answer that. Sgt. Elkin states we were aware of a request for grandfather, but as far as liability, we can't grandfather that and we conformed and these are guidelines and we conform to them and part of them are standardization of signage and if you look at them there are no pass at your own risk. Ms Astin asks if he tried to get a legal opinion on that. Sgt. Elkin states they did not. Ms Astin asks about the 1989 letter and was that part of the FOI request. Sgt. Elkin states he didn't gather the material and it was inadvertent. Ms Astin states for the record it was not part of the FOI and therefore should not be part of the paperwork submitted. Ms Astin states you checked with the attorney, how did you receive the information on the legal aspect. Sgt. Elkin states he received it from the Chief and he has nothing in writing. Ms Astin states they were not aware of it. Mr. Bauer states you introduced your report as evidence and do you have supporting documentation and it is stated that on-street parking is not part of the waiver or part of the PRD. Sgt. Elkin states they went to Bill Warner and he stated there is nothing on file. Mr. Bauer states they looked for it and none was supplied. Sgt. Elkin states there was none.

Mr. Arrigoni wants to go back and you did a survey on three nights; Sgt. Elkin responds three nonconsecutive. Mr. Arrigoni asks what nights; Sgt. Elkin states weeknights. Mr. Arrigoni states he has not seen that many on the street unless it was a party or holiday, but there might have been a reason for so many cars. You have put the yellow line and they don't see cars at night, do you think they were residents. Mr. Elkin states he doesn't know. Mr. Arrigoni responds there is no parking in there to absorb the cars. Sgt. Elkin responds I don't know.

Closing Statements

Chair Daley states the parties can make closing statements and the order is the appellant will make closing statement first. Mr. Bauer states correct and the designee is Mr. Arrigoni. Mr. Arrigoni states we proved that we have given you a good perspective and preponderance of evidence of the character of the City and you should overturn the selective use of the guidelines and hopes you will restore the faith and trust of the people who voted for you and restore the parking.

Attorney Lynch makes the closing for the Traffic Authority. He states this was decision made after the situation out there was seen and upon legal advice and to address a situation that was out there for 21 years. It is not selective since they have made this decision on other parts of town and they hope you will uphold them.

Chair Daley states Attorney Lynch was not sworn and if the Acting Chief is to testify, he should be sworn in. Corporation Counsel states Attorney Lynch does not need the oath and asks the Chief to rise and gives the oath to the Chief of Police. Acting Chief McMahon states I do. He notes on Section 7, he wasn't the

Traffic authority but was aware of the investigation. It is not unlawful to be selectful and Sgt. Elkin investigated and has more qualifications and this was not addressed previously but this administration offered a solution and would use \$65,000 of City dollars to resolve the issue. If you overturn the decision, the Council owns it and not the department.

Council Questions, Public Safety

Chair Daley asks for exhibit #4, the report; he notes in here that there is a history here. In November, 2004 no parking signs were posted on the east side and the Chief asked for yellow curb painting, is that east side. Sgt. Elkin replies yes. Chair Daley states there were 23 tickets for 10-1/2 months, 23 tickets issued; had there been twenty cars stacked up, I would have thought there would be more than 23 tickets issued. Sgt. Elkin states I can't answer that. Chair Daley states November 7, 2007 they requested that it be limited parking was he the only officer doing tickets. Sgt. Elkin responds yes, that was his district. Chair Daley states the survey it appears Mr. Bauer got involved in late December and Chief Baldoni asked to check the width of the area and the three nights the area was surveyed was after 2007. He asks again in December, 2007 Mr. Bauer states residents reported to him and asks for review and Chief Baldoni asks you to check and what actions need to be taken and on December 28 you decided action would have to be taken. What nights were. Sgt. Elkin states he can't recall what three nights. Chair Daley states there are not three nights listed in the report. Sgt. Elkin states he is going by recollection. Chair Daley states the Council may direct questions to public safety departments. Councilman Faulkner asks to question Attorney Lynch. Chair Daley states it says other public safety departments and asks Attorney Howard if it includes the City Attorney.

Corporation Counsel Howard responds yes. Councilman Faulkner asks when the City proposed parking, were they given a choice of either or. Attorney Lynch states he doesn't know if that was done. Councilman Faulkner states the City decided to take a particular course and did they have to get authority to do that. Attorney Lynch states you mean if the Chief as Traffic Authority designated no parking; that is within the Chief's authority. Councilman Faulkner asks about other parking. Attorney Lynch states there is no public area out here to build a City parking lot and he has no direct knowledge if parking was offered on the green space. Acting Chief McMahon responds it was to widen the road. Councilman Faulkner asks if the City has the right to do that and could. The Acting Chief states yes; Public Works got a plan and the residents didn't want that because of the reasons given earlier. Councilman Faulkner states we had the right to do one or the other. Attorney Lynch responds yes and Mr. Arrigoni states given the density, the residents didn't want it.

Councilman Pessina asks Sgt. Elkin when you were doing the traffic study and this was an egregious problem and two cars could meet in the roadway and something tragic could happen and you spoke about fire trucks, did you query the Fire Department and look at it to make it a stronger analysis. Sgt. Elkin states I talked about it at Public Safety and the Chief stated the Fire Chief was asked about it at Public Safety and they decided it was a problem and a hazard. Councilman Pessina asks if it was in writing. The Acting Chief states it was verbal and it was asked what the Fire perspective was and there was a Q and A and I remember him saying it was a hazard. Councilman Pessina asks when the Chief gave permission and can't get their apparatus through, were they aware of additional fire sight problems. Sgt. Elkin states he is not sure they were aware. Councilman Pessina states the only interaction was one written with the Chief and the organization and no other attempts to get a solution from the residents for moving their cars on certain nights to move them. Sgt. Elkin responds that is not correct; we were in constant discussion by e-mail. Councilman Pessina states not face to face. Sgt. Elkin replies e-mail and he spoke to members of the organization and their representatives.

Councilwoman Kleckowski states for the Chief or City Attorney she asks she recognizes the residents involvement, but why not make the parking improvements and satisfy the need for parking. The Acting Chief responds the offer was made of a cut out and they didn't want it so we solved the problem by posting no parking. So it was paint the curbs or do the cut out for \$65,000. They didn't want either. The did solve the problem with no parking. Councilwoman Kleckowski asks the City Attorney is it feasible to put signs up to limit liability, like "pass at your own risk." Acting City Attorney Lynch responds that is done in a work zone. He has never seen it done in a non-work zone in Connecticut. You need to check with DOT standards and he doesn't believe it is an acceptable solution. Councilwoman Kleckowski states if something happens and this has been going on for 21 years, were we liable. Acting City Attorney Lynch responds now that we know about it, we are liable.

Councilwoman Kasper states the liability, and we correct the liability with no overnight parking signs, what affect will it have and would we be in compliance to limit the liability. The Acting City Attorney states you are saying can we address it with signage and Sgt. Elkin stated that it is a liability and it may increase the risk. Councilwoman Kasper states it is at night. Attorney Lynch responds he believes it would increase the liability. Acting Chief McMahon states you can only sustain or overturn the decision. Chair Daley states we can uphold or deny the appeal

and if we uphold it, the City would have to come up with other solutions or if the appeal is denied, nothing happens. Corporation Counsel Howard states what you do tonight does not preclude the City from doing further actions. Attorney Lynch states they can appeal to the Court.

Chair Daley recognizes Ms Astin who asks to clarify two points. It was her suggestion to the President of their Board to invite then Chief Baldoni to a meeting. We initiated it. Regarding the cutouts, it was not yes or no; it was to defer decisions until the appeal was heard.

Chair Daley states he would like to ask one question; his whole understanding is the primary harm that was inflicted to residents by a ban on parking on the west side is when you would have visitors there was no place for them to park so there is no overflow for visitors. That is contradicted by the overnight parking issue. Are there people parking there overnight. Ms Astin responds rarely. She has not seen it. She explains about her neighbor who lost family members, including a son, who had many people visiting regularly and if it wasn't for the parking on the Street, you could not do that. In ten months there has been 22 tickets, you do the math. Chair Daley states I hear what you are saying and I lived in areas where parking was limited. We had holiday guests who couldn't park on the State Highway and we had to find alternatives and they might have to walk. My familiarity with the area is that the Barn is not far. Ms Astin responds she is 70 and her relatives are in their sixties and many of her neighbors are older. Do I want to worry about my friends or relatives walking in sleet, snow or rain from the Barn. Mr. Arrigoni states the yellow stripes were put in long before the curbing. There is no correlation between the two.

Council Deliberations

Chair Daley states we are now to the deliberations and asks for advice from the Corporation Counsel. Corporation Counsel Howard states to deliberate and decide and the decision is the substantial evidence rule which is, is there substantial evidence to support it (appeal) and would the evidence support the appeal sufficient for a person to change their mind. Part of the evidence is your own knowledge of the community and experience and make it as part of the record and the rather substantial testimony and you have to regard it, but you are not bound to follow it and you need to determine the credibility of the witnesses and it would be wise to list what you find for the record. Chair Daley states we have a tough situation and we all, including Sgt. Elkin and the Chief, fear for the people in the area. They have been adversely affected by the decision, but we cannot, once presented with a situation that creates a liability for the City, we cannot ignore the evidence of the liability and for me, the first thing compelling to me is with the letter from Belair. It is troubling that there is no documental or refutation of that appeal at that time. If there was some indication from the City that it was reviewed and it was not a hazard it would be different. That letter puts the City in a precarious situation. My perception is there cannot be some accommodation to improve the situation for the residents yet protect the City from liability. It disturbs him that the problem was overnight parking. He thought it was visitors and it would correspond to what the residents were aggrieved about.

Sgt. Elkin states it was not after midnight; it was evening hours. Chair Daley states given that answer and the hard evidence of the letter from Belair, I for one, do not feel there is a reason to substitute our judgment for the Traffic Authority and would not uphold the appeal.

Councilman Faulkner has concerns because the Fire Department is not here. His decision weighs on that. Chair Daley states they (Traffic Authority) have given testimony on this. Councilman Faulkner states he lives in an area where this is an issue and they accommodate for that and he wanted to ask to see what would happen if they couldn't get a truck in or if they had a plan and he is disappointed he couldn't hear from them. This is a liability issue for the City and it is a lot of dollars involved and what he is hoping is the residents will reconsider the cut out.

Chair Daley asks for other opinions. Councilwoman Kasper states she lived in that neighborhood all her life and she doesn't ever remember having bumper to bumper traffic and there hasn't been accidents and doesn't believe the liability exists there. I understand liability and in this situation where there have been no accidents, I feel that we shouldn't have the no parking zone when it is wider than the rest of the street.

Councilwoman Kleckowski states the two issues are supporting the traffic division and being cognizant of what Ms Astin said that you brought your house under certain circumstances and now living under other circumstances.

Councilman Pessina states taken the liability into account, personally, I don't feel this was a substantial study in a short period of time for a problem that Sgt. Elkin stated was overnight and now is saying evening. Taking into account the testimony of the residents who live there and since I was on the force for 33 years, I can't recall a problem that happened there. The Department at the time didn't do enough to find a solution with the community. It could be photographs of the situation and discussing the parking. It would put the pressure on the residential community that park there overnight. It would have given them the opportunity to correct the problem. He is not sure the regulations which are

guidelines and the suggestion of no overnight parking which addresses the problem. The driveways are small and the street narrows to the top of the hill. You have a section of Long Hill Road that weaves and doesn't prevent people to park there. It was brought out that there are six or eight entry points on both sides of the road. I don't think we diminish our liability if we find for the aggrieved and put up no overnight parking signs. Signs help. We have done this for different areas in the past and he doesn't feel the City made their case and he will be in favor of the aggrieved with the caveat of a more comprehensive study being done. Chair Daley reminds him the Council can only vote up or down. Councilman Pessina states he will vote in favor of the aggrieved.

Councilman Bibisi has concerns about liability and questioning the expertise of the Traffic Authority and Chief. He is not in a position to question the Traffic Authority and Chief or City Attorney. We have a letter from Martin Belair Company who stated in 1989 we have a potential of serious concern. He is in sympathy with the residents. He cannot go against the expert testimony of the City Attorney and Traffic Supervisor and cannot uphold this appeal.

Councilwoman Kleckowski states after listening to Councilman Bibisi's concern about liability and the letter and there is such a minute spot on that road and will vote for the appeal; she is concerned that only a small part of the road is designated.

Motion to Uphold the Appeal

Chair Daley states as Chair, clearly this is difficult for everyone. At the same time, he hopes and he is not sure of the vote and his understanding is acceptance is 2/3 is vote. Regardless, if the appeal is granted or denied and he hopes the Police and residents would have further dialogue to reach a good solution for the residents and tax payers to minimize the liability. Corporation Counsel Howard states the motion should be to sustain the appeal and revoke the regulation and the maker of the motion outline the reasons for the motion. The Chair asks if anyone will make the motion.

Councilwoman Kasper states she will and so moves and the reason for that is she feels there was not an adequate study; it was only for three days. They were told it was overnight and not during the day. She knows the area and has not noticed bumper to bumper parking. Councilman Pessina seconds the motion. The Chair states the motion is to sustain the appeal and revoke the regulation. He calls for the vote. It is three aye votes by Council Members Kasper, Pessina, and Kleckowski. There are three nay votes by Council members Daley, Bibisi, and Faulkner.

Decision of Appeal

The Chair states the vote is three to three. The motion fails and the regulation has been upheld. He encourages that a resolution be revisited.

Motion to Adjourn

The Chair asks for a motion to adjourn. Councilwoman Kasper so moves and is seconded by Councilwoman Kleckowski. The Chair declares the meeting adjourned at 8:15 p.m.

ATTEST:

MARIE O. NORWOOD
Common Council Clerk

ADDENDUM
EXHIBITS

- Council Hearing 10/14/10
Application of Louise C Austin
- Ex 1 Letter from Louise C Austin
dated 3/2/10
- Ex 2 Map of area of massaged letters
- Ex 3 Sgt. Elkin qualifications
- Ex 4 Long Hill parking Rpt 11/19/08
- Ex 5 Martin Belain Ltr 8/8/89

LOUISE C. ASTINE-Mail: lastin@snet.net

778 Long Hill Road, Middletown CT 06457

Telephone (860) 347-4130

*Received Oct. 14
10:50 AM*

March 2, 2010

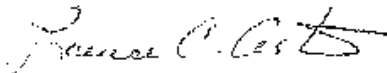
Chief of Police
Middletown Police Station
222 Main Street
Middletown, CT 06457

Dear Acting Chief McMahon,

In accordance with City Ordinance Sec. 23-19, you are hereby notified as required by Sec. 23-19 A, of our wish to appeal the decision to limit on-street parking on both sides of the street on the segment of Long Hill Road from Wesleyan Hills Road to approximately 863 Long Hill Road. I have been designated as the contact person for the party that wishes to file this notice of appeal.

In recognition that City Ordinance Sec. 23-19 was not effective until February 16, 2010, we feel that this notice has been provided in a timely manner according to City Ordinance Sec. 23-19 H.

Sincerely,



Louise Astin

CC: Council Clerk
Mayor's Office
Town Clerk

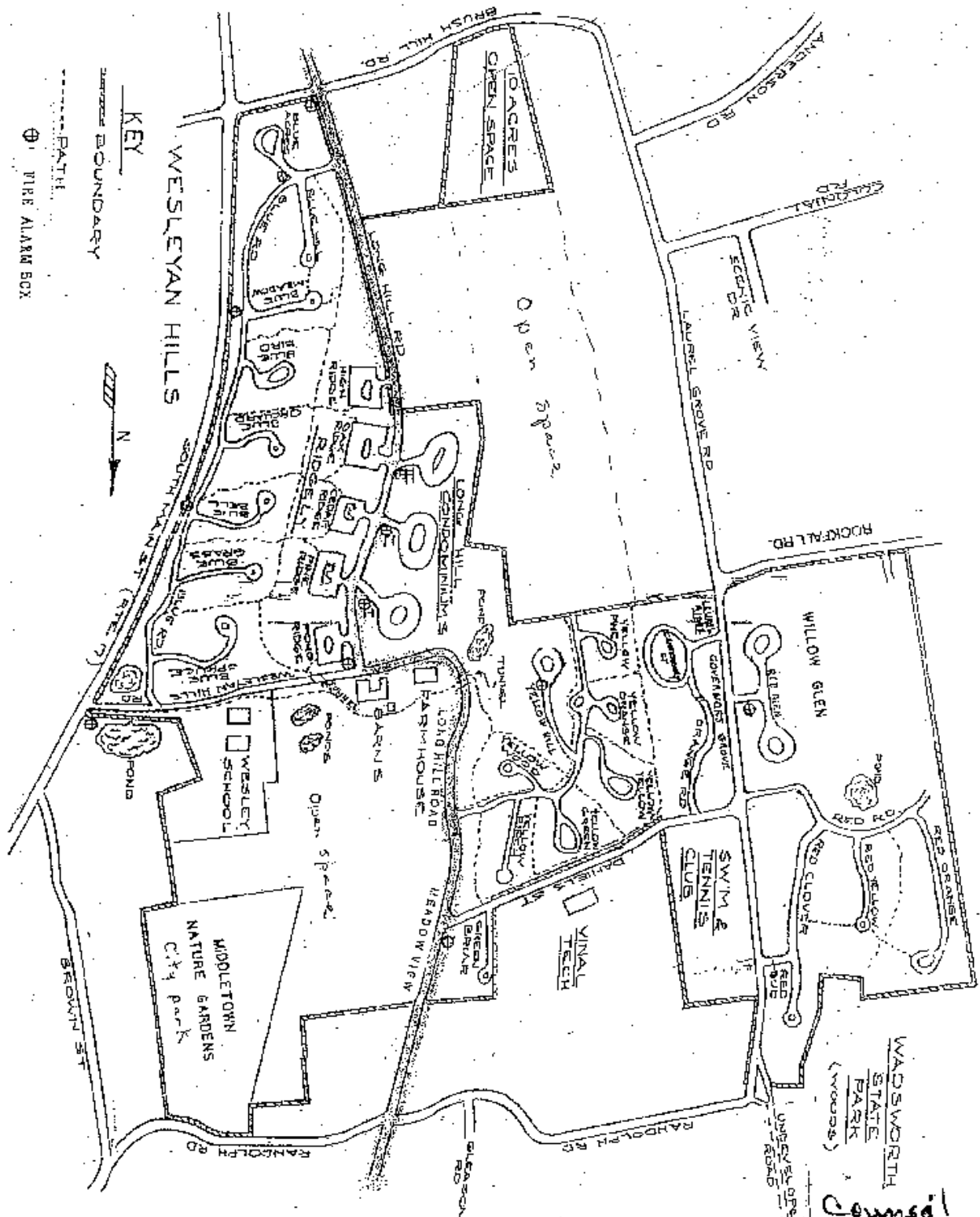
*Spoke & sent e-mail out to
those who are interested
in this*

From Charles' laptop

From _____

RECEIVED*Mon*

*Commed
10/14/10
Fri*



Council
10/14/0
E12

--- On Wed, 10/22/08, RepKalinowski@aol.com <RepKalinowski@aol.com> wrote:

From: RepKalinowski@aol.com <RepKalinowski@aol.com>

Subject: Road width requirements

To: lastin@snet.net

Date: Wednesday, October 22, 2008, 8:36 PM

Hi Louise:

Per Dept of Transportation personnel, this is the only thing we can find on the subject.

There are "guidelines" (both national and CT) that address the issue of lane widths on US and State routes (local municipalities would typically have their own guidelines). Generally, the lane widths would be dictated by a number of factors, including the roadway classification (e.g. is it a two lane rural roadway, a high speed expressway, etc). Typical lane widths on state routes are 11ft or 12 ft, with 10ft lanes allowable in certain circumstances.

Patricia B. Stewart
Administrative Assistant to Pam Buccato
Office of the Commissioner, Legislative Program
Connecticut Department of Transportation
P. O. Box 317546
Newington, CT 06131-7546

<http://us.mc829.mail.yahoo.com/mc/showMessage?fid=Alex%2520Grizuk&sort=date&or...> 11/2/2008

The Honorable Sebastian N. Giuliano , Mayor of Middletown

245 deKoven Drive
Middletown, CT 06457

December 2, 2008

Dear Mayor Giuliano:

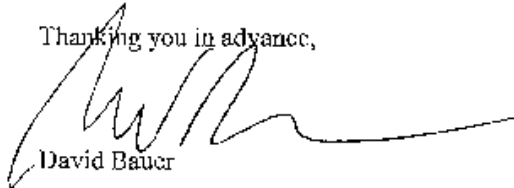
I am making an FOI request to review the following information:

All documentation, including but not limited to communications, e-mails, maps, reports, memos, traffic tickets, and other items concerning all complaints and actions involving traffic, parking, and other safety related issues on Long Hill Road.

All documentation, including but not limited to maps, drawings, reports, studies, communications, letters, and memos concerning the Wesleyan Hills Planned Community from all City Departments, the P&Z Commission, and the Hill Development Corporation.

Would you please contact me with a target date that you will fulfill this request.

Thanking you in advance,



David Bauer

Contact: Cell Phone - 860-301-2244 E-Mail - dvauer@sbcglobal.net

Mailing Address - 55 Dobson Circle, Middletown

RECEIVED
08 DEC -2 PM 4:04
CITY OF MIDDLETOWN
MAYOR'S OFFICE

MIDDLETOWN POLICE DEPARTMENT*The City of Middletown**222 Main Street
Middletown, CT 06457
860.344.3272 FAX 860.344.3276
opcar@middletownctpolice.com*

February 3, 2009

RE: Response to FOI Memo

Councilman Bauer-

The Middletown Police Department has prepared the materials you requested through the Freedom of Information Act.

"Omissions Noted:"

"We could find no evidence of the original complaint that is supposed to have triggered the subsequent events and problem resulting in No Parking."

- There are no documents responsive to this request.

"There was no evidence of any complaints regarding vehicles on this section of the road."

- There are no documents responsive to this request.

"We noted the absence of an actual traffic study done on this section of the road at anytime over the past three or more years."

- There are no documents responsive to this request.

"There were no reports of vehicle accidents on Long Hill Road."

- A clarification of your request was sent back to the Records Bureau and attached are the documents responsive to this specific request. There are eight pages of documentation responsive to this request. (Attached)

"Most of the tickets (copies) for moving violations were given on other portions of Long Hill Road—not the section herein in question."

- There are no additional documents responsive to this request. We did not narrow the search to a specific portion, as the request was for "Long Hill Road."

"The tickets issued on the road section in question were apparently mainly for parking for obscure terms such as "Limited Area" or "Improper Position" and occasionally "Parking Against Traffic".

Response to FOI Request

2

- The Freedom of Information Act requires that the City produce documents in response to this request. There are no documents responsive to this request.

"A copy of a ticket issued to a relative of a resident was not included. Why not?"

- The system used to satisfy this request is brand new and may need additional information to best satisfy your request. If you could provide us with the name, date, and/or license plate number that was reflected on the ticket, we could attempt to determine how this information did not get provided.

Comments:

"It actually appears that the ticketing officer(s) is/are initiating the tickets, which did not seem to result from "complaints."

- The Freedom of Information Act requires that the City produce documents in response to this request. There are no documents responsive to this request.

"There have been NO accidents on this road, to justify "safety concerns."

- The Freedom of Information Act requires that the City produce documents in response to this request. There are no documents responsive to this request.

"The Police Dept. referenced our PRD. We must obtain the PRD!"

- The Middletown Police Department has no documents responsive to this request.

"There was no documentation for the Time Line provided with the package of documents".

- The Freedom of Information Act requires that the City produce documents in response to this request. There are no documents responsive to this request.

Questions:

"Does the package of documents constitute the information that the Public Safety Commission stipulated Long Hill Road residents should receive?"

- The Freedom of Information Act requires that the City produce documents in response to this request. There are no documents responsive to this request.

"Because the tickets and some of the other documents contain Police Depart. Codes that we don't know or understand, we have asked for a meeting with someone from the Police Dept. to be scheduled soon, so we can better understand this information."

- I am not aware of any such request.

"To proudly serve in partnership with the community through a commitment to excellence, professionalism and integrity."

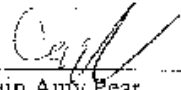
Response to FOI Request

3

"Long Hill Road has always been a city."

- I believe this statement may be asking if Long Hill Road has always been a city street. The Middletown Police Department has no documents responsive to this request.

Please contact me if you have any questions.



Captain Amy Pear
Professional Standards Commander

cc: Chief Lynn Baldoni

"To proudly serve in partnership with the community through a commitment to excellence, professionalism and integrity."

Ridge II Pine Ridge Mini-Neighborhood

746 to 780 LONG HILL ROAD (Even numbers only)

746	Saunders, Geoffrey & Rhonda	316-5765
748	Cosham, Bryan & Ashley Steinberg	704-8213
750	Kaiser, Michael & Erin	788-3912
752	V & V Management, William Vasilion	
754	Dion, Kathy	346-0485
756	Ely, Robert & Jean	346-1195
758	Peppas, Anthony	346-4606
760	Curtical, Colleen	347-1925
762	Senick, Brittany	
764	Williams, Rodney	461-6539
766	Le, Nghi & Nguyen	231-1212
768	Cardoso, Arlene	704-0391
770	Abdul Malik Amin & Gurhan Khacija	343-8463
772	Jagoda, Robert	344-1546
774	Kenfield, Jocile	344-0103
776	Ronatrack, Michael & Amanda	
778	Asin, Louise	347-4130
780	Orlowski, Kristen R.	
798	Anger, Wm	

Ridge II Cedar Ridge Mini-Neighborhood

782 to 816 LONG HILL ROAD (Even numbers only)

782	Kim, Hak & Sung	347-9308
784	Randino, Mark	346-5919
786	DeNovellis, Sally	347-5977
788	Davis, Shannon	788-6478
790	Belin, Geraldine	347-4619
792	Dick, Michael & Linda	347-2808
794	Nuzzo, Richard & Petsy	344-8676
796	Huvel, Ruth	347-3652
798	Williams, Priscilla	638-3795
800	Fields, Marilyn	347-6134
802	Beaudoin, Lori	344-0104
804	Stanley, Ulisses & Tracey	347-1304
806	Worth, Dulcey	
808	Werte, Debra	344-1091
810	Kidney, Pauline	346-1006
812	Legge, Joseph	344-9811
814	Harris, Sheila	346-6105
816	Koba, Lisa	344-8750

MIDDLETOWN POLICE DEPARTMENT**TRAFFIC BUREAU****Sergeant Craig Elkin, Traffic Bureau Supervisor**

222 MAIN STREET
MIDDLETOWN, CT 06457
TEL # (860) 344-326
FAX # (860) 344-3286

TO: Lynn M. Baldoni, Chief of Police
FROM: Sergeant Craig Elkin, Traffic Bureau Supervisor
DATE: May 13, 2009
RE: Long Hill Road No-Parking determination synopsis

The following is a synopsis of the criteria used in making the decision to post Long Hill Road "No Parking" in the vicinity of the Long Hill and Ridgely condominium complexes. I have also included my qualifications, training and experience relative to my recommendations from which this decision was based.

Sergeant Craig Elkin ~ Qualifications:

- Traffic Officer for over 20 years currently serving as Traffic Bureau Supervisor
- Chief Accident Reconstructionist for over 15 years
- Legal Traffic Authority representative for over 10 years.
- Conducts traffic studies and traffic counts for the City of Middletown for over 15 years
- Conducts traffic signal and traffic control signage studies for the City of Middletown for over 15 years. Makes determinations regarding whether or not signals or signs are warranted based upon the Federal Manual of Uniform Traffic Control Devices.
- Comments for all Planning and Zoning proposals regarding traffic impact for over 15 years
- Successfully completed USDOT seminar on pedestrian safety
- Successfully completed CTDOT seminar on designing bicycle and pedestrian facilities
- Successfully completed State of CT Department of Transportation course related to traffic control on residential streets and where and when to use traffic signs, signals and markings
- Graduate of the UCONN Connecticut Transportation Institute legal Traffic Authority Program which included the successful completion of the following courses:
 - o Curb cut management
 - o The Fundamentals of Analyzing and Solving Local Traffic Problems
 - o Application of Traffic Control Devices

Council
10/14/10
Fv2

Description of the area

The area of Long Hill Road which was marked no parking is approximately three tenths of a mile long (of which 1/10th of a mile is straight) with the Long Hill Condominium Complex on the west side and the Ridgely Condominium Complex on the east side. The Long Hill Complex consists of 110 units which access Long Hill Road via three separate driveways. The Ridgely Complexes consist of a total of 94 units which access Long Hill Road via five separate driveways. This area of roadway also serves as a thru-way to other small neighborhoods in the area such as the Blue section of Wesleyan Hills and the residences from McGrath Drive.

Long Hill Road decision:

The decision to recommend no parking on Long Hill Road in the area of the Long Hill and Ridgely condominium complexes was based upon the following factors:

- The width of the road (21-24 feet) was too narrow for parking to be permitted on one side of the street and still allow for the free flow of two-way traffic. 28 feet is necessary. The following example shows how this was problematic: When vehicles parked on the west side of the road, a southbound vehicle and a northbound vehicle would approach head-on.
- Vehicles would meet head-on, and neither vehicle would have the room to get out of the way of each other.
- While a part of the roadway is straight this section also consists of road bends which hinder the ability to see oncoming traffic.
- Parking obstructed sightlines when exiting the local driveways.
- The roadway is a thru-way used for other residential communities and the criteria necessary to make the roadway one-way was not met and any such decision was not feasible.

Respectfully,
Sergeant Craig M. Elkin
Traffic Bureau Supervisor

LONG HILL ROAD PARKING ISSUE REPORT

Prepared by:
Sergeant Craig Elkin
Traffic Bureau Supervisor
November 19, 2008

Council
10/14/10

Ex 4

Long Hill Road parking issue report

The following is the Traffic Bureau's report in chronological order regarding the above issue. Other conversations and meetings (for example: Public Safety meetings) that may have taken place and did not involve the Traffic Bureau are not necessarily documented in this report. This report documents the issue to this date (November 19, 2008).

Background:

- The condominium complexes on Long Hill Road have been in existence for a reported 30+ years. Approval of the complex was under the Plan of Residential Development (PRD) which waived certain City requirements, including roadway widths. Whether or not on-street parking was permissible was still left in the purview of the Legal Traffic Authority. On-street parking was not part of the waiver and was not a part of the PRD.

September 29, 1993:

- A request was made by the Assistant Director of Public Works for "signs for a new development off Long Hill Road." There is no further documentation. No other specifics are known.

November 9, 2004:

- At a citizen's request, additional and updated "no parking signs" signs were posted on the east side of Long Hill Road.

June 8, 2005:

- At the Chief's request, the yellow curbing on Long Hill Road was re-painted.

January 13, 2007:

- City-parking tickets are issued on Long Hill Road on January 13, 2007, and continue through November 1, 2008 for a total of 23 tickets. The tickets are issued by badge #472, who on December 7, 2007, requested the west side of Long Hill Road be posted "no parking" because vehicles are blocking the travel lane.

December 26, 2007:

- Councilman Bauer reports that he was contacted by the association of Ridgely II and Long Hill condominiums with concerns regarding the ticketing. In a notice sent to the Councilman, the complainant wrote: "Unit owners purchased their units with the understanding that there was street parking. It is in all of our condo documents." Councilman Bauer requested the situation be reviewed.
- Chief Baldoni requested I check the width of the roadway and advise what action needs to be taken.

December 28, 2007:

- The roadway was determined not to meet the minimum requirements for parking and this officer recommended the posting of "no parking" on the west side. If approved, the posting/painting would be scheduled for the Spring of 2008. In the meantime, other solutions would be pursued.

April 3, 2008:

- I met the Chief and Councilman Bauer regarding the problem and to look for solutions. Prior to the meeting I had met with Bob Dobmiec, Assistant Director of Public Works, on site to see if there were any feasible physical changes that could be made to roadway to allow for parking. There were none that were economically feasible.

September 22, 2008:

- The president of Wesleyan Hills Association, Joyce Rossitter, asked if parking on the west side was permitted, and if not, why it was not posted.

September 23, 2008:

- Ms. Rossitter was advised that parking was not permitted, and it would be marked in the near future. She asked if parking during snow removal would be permitted. She was advised that it would not. Further discussion with Ms. Rossitter involved her questions concerning where residents would park, and would other roadways in Wesleyan Hills also be posted no parking if they were too narrow. She was advised that each problem is addressed on a case-by-case basis using certain criteria.

September 24, 2008:

- The Mayor was advised by the Chief of the reasoning for posting "no parking."
- The sign shop was advised to post or mark the west side of the street "no parking." Due to underground utilities, the sign shop had to contact Call Before You Dig before posting any signs. However, prior to the work being done, the Chief instructed me to delay the posting until she could obtain a legal opinion.

October 5, 2008:

- Wesleyan Hills Association forwarded a petition to the Mayors Office requesting that parking be continued to be allowed.

October 20, 2008:

- At the Chief's request, the State Statute concerning no parking areas was forwarded to her.

October 21, 2008:

- The Chief received a legal opinion, and following that, and after speaking with the Public Safety Commission, the Chief instructed me to have Public Works post the west side. The sign shop was instructed on October 24, 2008, and it was subsequently posted.

November 5, 2008:

- Ms. Rossitter wrote to the Mayor concerning her disappointment with the posting and requested it be rescinded.
- The Chief was asked to attend the Wesleyan Hills Association meeting on November 10, 2008 to address the issue.

November 6, 2008:

- The Chief forwarded a memo to the Director of Public Works requesting that he consider widening the roadway in the future.

November 7, 2008:

- The Chief requested the parking criteria used to determine a parking or no parking zone be forwarded to the Mayor.

November 10, 2008:

- The parking requirement criterion was forwarded to the Chief and the Mayor.

November 11, 2008:

- Ms. Rossitter thanked the Chief for her attendance at the Board of Director's meeting, followed by the Chief's thank you in response on November 12, 2008.

Respectfully submitted,
Sergeant Craig Elkin
Traffic Bureau Supervisor

MARTIN, BELAIR & COMPANY

65A Wethersfield Avenue
Hartford, Connecticut 06114
(203) 525-9384

President:
Jean R. Belair, Jr.

Division:
Congress Street Company

August 8, 1989

Lt. George Lang
Traffic Division Commander
Police Department
City of Middletown
66 Church Street
Middletown, Connecticut 06457

Dear Lt. Lang:

I am writing to you in the hope that you can correct a potentially dangerous situation which exists on Long Hill Road.

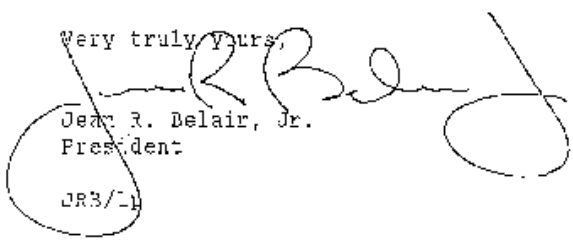
My company widened the roadway from 16 to 24 feet when we constructed the Long Hill Condominiums. This roadway widening extends from the so called "Barn Area" south on Long Hill Road approximately 1,500 feet. This widening was done to accommodate the increased vehicular traffic and was designed with the no parking situation which existed as our baseline. A paved roadway of 24 feet will not accommodate parked cars and two passing vehicles. Design criteria for this situation is usually 26 to 28 feet of paved roadway coupled with a minimum of turning traffic.

For some reason, only the east side of Long Hill Road has been posted no parking. Concurrently, the Ridgely Condominium began to enforce on site parking regulations which forced many people to park on Long Hill Road. Thus, we now have a situation where the effective width of the travel lane is consistently less than 16 feet.

When you examine the site, and note the driveways and housing density, you will see that we have the potential for a serious injury to occur.

I recommend that you examine this site and record data as necessary to judge this situation. Would you please look into this matter and contact me at your convenience.

Very truly yours,


Jean R. Belair, Jr.
President

JRB/LL

- Real Estate Development & Construction Management Services -

Council
10/14/10

Ex 5